

Message Text

CONFIDENTIAL

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ACTION ARA-10

INFO OCT-01 ISO-00 L-03 DHA-02 H-02 IGA-02 EB-07 CIAE-00

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R 161552Z SEP 76

FM AMEMBASSY MONTEVIDEO
TO SECSTATE WASHDC 2178

CONFIDENTIAL MONTEVIDEO 3462

FOR ASSISTANT SECRETARY SHLAUDEMAN FROM AMBASSADOR

E.O. 11652: GDS

TAGS: PFOR, PINT, SHUM, UY
SUBJ: KOCH AMENDMENT

REF: MONTEVIDEO 3388 AND 3451

1. I HAVE JUST LEARNED THAT A VERSION OF THE KOCH AMENDMENT HAS BEEN INTRODUCED INTO THE SENATE BILL. SINCE I AM LEAVING LATER TODAY AND WILL NOT BE IN WASHINGTON FOR ABOUT A COUPLE OF WEEKS I WISH TO STRESS TO YOU MOST EMPHATICALLY AND SINCERELY THAT I BELIEVE THE PASSAGE OF THIS AMENDMENT CAN DO SERIOUS DAMAGE TO OUR RELATIONS WITH URUGUAY AND, NO MATTER HOW WELL INTENDED IT MAY BE, IS LIKELY TO HAVE A COUNTER-PRODUCTIVE EFFECT; THAT IS, INSTEAD OF HELPING THE SITUATION REGARDING HUMAN RIGHTS IN THIS COUNTRY IT IS LIKELY BECAUSE OF ITS PUNITIVE AND CONDEMNATORY NATURE TO PRODUCE SUCH A REACTION AS TO HAVE A HARMFUL EFFECT ON WHAT WE BELIEVE TO BE A CLEAR TREAND TOWARD IMPROVEMENT. MOREOVER, IT IS ALMOST CERTAIN TO REDUCE THE INFLUENCE WE WOULD OTHERWISE HAVE TO NURTURE THIS TREND.

2. I CALL YOUR ATTENTION TO THE TWO REFERENCES OUTLINING MY RECENT DISCUSSIONS WITH THE FONMINISTER AND WITH THE NEW PRESIDENT APARICIO MENDEZ. BOTH INDICATE CONCERN IN THE GOVERNMENT OF URUGUAY ON THIS SUBJECT AND, I BELIEVE, A HEALTHY TREND TOWARD GREATER OPENNESS. SUPPORTING THIS IS THE FACT THAT CONFIDENTIAL

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RECENTLY THE DIPLOMATIC CORPS WAS INVITED TO VISIT THE PRISONS

WHERE SECURITY PRISONERS ARE HELD AND, AS WE HAVE REPORTED, FOUND THEM TO BE ON THE WHOLE MORE THAN SATISFACTORY. THERE IS ALSO THE NEW LAW, SCHEDULED TO GO TO THE COUNCIL OF STATE NEXT WEEK, WHICH WILL LARGELY REPLACE THE MEDIDAS PRONTAS DE SEGURIDAD AND, ACCORDING TO WHAT I HAVE BEEN TOLD BY THE PRESIDENT (AND ONLY LAST NIGHT BY THE MINISTER OF DEFENSE), WILL LEAD TO GREATER OPENNESS AND DUE PROCESS IN THE TREATMENT AND TRIAL OF PRISONERS ACCUSED UNDER THE SECURITY LAWS. THERE IS ALSO THE PRESIDENT'S STATEMENT TO ME ABOUT A PROCEDURE FOR MORE "BENIGN" TREATMENT WHICH COULD LEAD TO ACCELERATED RELEASES. FINALLY, THERE IS THE RECENT PUBLICATION OF THE NUMBER OF PRISONERS RELEASED UNDER VARIOUS CATEGORIES SINCE 1972 AND THE STATED INTENT, REGULARLY IN THE FUTURE, TO PUBLISH THE NAMES OF RELEASED PRISONERS. ALL OF THIS, I SUBMIT, IS A HEALTHY TREND WHICH MAY BE DUE IN PART AT LEAST TO OUR QUIET, DIPLOMATIC EFFORTS AND IT IS SOMETHING WE SHOULD ENCOURAGE RATHER THAN THWART. I WOULD ALSO SAY THAT THE KOCH PROPOSAL ITSELF AND THE SPOTLIGHT OF CONGRESSIONAL HEARINGS HAVE PROBABLY ALSO HAD A GOOD EFFECT OF FOCUSING GOU ATTENTION ON THIS PROBLEM AND ON INDUCING CONCERN FOR ITS IMAGE. NEVERTHELESS, THIS GOOD EFFORT COULD WELL BE LOST, I FEAR, IF THE PROPOSAL IS ACTUALLY PUT INTO EFFECT. WHAT I HAVE SAID HERE APPLIES AS WELL TO THE HARKINS AMENDMENT WHICH, IF APPLIED, WOULD CERTAINLY BE COUNTERPRODUCTIVE AND SERIOUSLY DAMAGING TO OUR RELATIONS. I HOPE THE DEPARTMENT CAN BEAR THESE FACTORS IN MIND IN MAKING A VIGOROUS EFFORT TO SEE TO IT THAT THE KOCH AMENDMENT DOES NOT BECOME LAW.

3. AS A FINAL POINT I WOULD LIKE TO REITERATE THAT IN OUR OPINION, THE ACCUSATIONS AGAINST URUGUAY WHICH HAVE INSPIRED THIS LEGISLATION ARE TO A CONSIDERABLE EXTENT EXAGGERATED AND INACCURATE; I BELIEVE THAT OUR DILIGENT EFFORT TO DISCOVER AND REPORT THE TRUE FACTS IN THIS DIFFICULT AREA HAVE AMPLY DEMONSTRATED THIS. THIS IS NOT TO SAY, OF COURSE, THAT THERE HAVE NOT BEEN NOR ARE NOT NOW SOME VIOLATIONS OF HUMAN RIGHTS. THERE HAVE BEEN AND THERE ARE, AS WE HAVE ALWAYS SAID. BUT AS WE HAVE ALSO SAID, THE SITUATION WAS DOUBTLESS A LOT WORSE SEVERAL YEARS AGO, AT THE HEIGHT OF THE CAMPAIGN AGAINST TUPAMARO TERRORISM, THAN IT HAS BEEN SINCE AND THERE IS, I BELIEVE, A REAL MOVE TO IMPROVE. I ALSO WISH TO CALL ATTENTION

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TO THE APPEAL MADE TO ME BY THE FONMINISTER AND THE PRESIDENT: THAT IS, THAT THE USG, IN JUDGING THESE MATTERS, GIVE URUGUAY THE CONSIDERATION DUE A LONGSTANDING AND TRADITIONAL FRIEND IN ADVERSITY WHICH IS STRUGGLING TO DEAL WITH A SERIOUS PROBLEM, AND THAT IT TAKE INTO ACCOUNT ALL OF THE RELEVANT FACTORS WHICH PRODUCED A REIGN OF TERROR HERE AGAINST WHICH THE GOVERNMENT EVENTUALLY REACTED WITH FORCE.

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